

EXHIBIT 86

10 HIGHLY CONFIDENTIAL
11 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
12
13
14 Videotaped deposition of ERIN M. COX, held at
15 the offices of Spangenberg Shibley & Liber LLP,
16 1001 Lakeside Avenue, Suite 1700, Cleveland, Ohio
17 44114, on January 17, 2019, commencing at
18 8:58 a.m., before Carol A. Kirk, Registered Merit
19 Reporter and Notary Public.

23 GOLKOW LITIGATION SERVICES
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24 deps@golkow.com

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<p>1 materials that you would have received from 2 Mallinckrodt with regards to educate and inform? 3 MR. TSAI: Object to the form. 4 Go ahead. 5 A. That's apples and oranges. These 6 were skin conditions. It was vastly different. 7 Q. Okay. But to be clear, you would 8 have received written materials from 9 Mallinckrodt during your term there which talked 10 about educate and inform, correct? 11 A. That's correct. 12 Q. Your compensation at JSJ, was 13 there a salary? 14 A. There was a salary. 15 Q. Was there a bonus program? 16 A. There was. 17 Q. Okay. And how was the bonus 18 computed? 19 A. We were paid on a draw, so it was 20 a quarterly draw depending on what you brought 21 into the territory. I don't remember the 22 specifics. It was a convoluted bonus program, I 23 think by design. 24 Q. Yeah. Let me ask you this way.</p>	<p>1 A. It would not. 2 Q. Okay. Why is it you left JSJ? 3 A. They went out of business. We all 4 left JSJ. 5 Q. Okay. And then from JSJ, where 6 did you go? 7 A. I went to Mallinckrodt, which was 8 then Covidien. 9 Q. Okay. I'm going to refer to it as 10 Mallinckrodt; is that okay? 11 A. That's fine. 12 Q. All right. And how long were you 13 at Mallinckrodt? 14 A. A month after I left JSJ. So I 15 think it was April 2010 until September -- 16 August, September of 2014. 17 Q. All right. Did you know anybody 18 at Mallinckrodt before going over there? 19 A. I didn't know anyone. 20 Q. How is it that you became aware of 21 a position at Mallinckrodt? 22 A. A recruiter. I submitted my 23 resumé as I was looking for a job, and a 24 recruiter contacted me about an opening in</p>
<p style="text-align: center;">Page 39</p> <p>1 If the healthcare professionals that you were -- 2 if I say "targeting," do you -- are you familiar 3 with that? 4 A. I am. 5 Q. All right. If it was -- if the 6 healthcare professionals that you were targeting 7 purchased more product, more JSJ product, would 8 you receive more of a bonus? 9 A. The physicians never purchased any 10 product from us. 11 Q. Okay. If the physicians who you 12 targeted wrote prescriptions to patients who 13 filled prescriptions for JSJ products, would 14 that reflect in your bonus? 15 A. It depended on -- the answer is 16 yes, however, there was more to it. It had to 17 do with attainment to goal and things like that. 18 And truly, I don't remember the specifics of 19 this bonus plan. I remember it being 20 complicated. 21 Q. Okay. If doctors that you had 22 been targeting your territory wrote less 23 prescriptions month over month over month, would 24 you -- would your bonus increase?</p>	<p style="text-align: center;">Page 41</p> <p>1 Cleveland. 2 Q. Okay. And what position were you 3 hired in? 4 A. I was hired in the Cleveland west 5 territory. 6 - - - 7 (Mallinckrodt-Cox Exhibit 3 marked.) 8 - - - 9 BY MR. DEARMAN: 10 Q. I'm going to show you what I'm 11 going to mark as Exhibit 3, which is Bates range 12 8510 through 8515. 13 Are you familiar with this 14 document? 15 A. I am, yeah. 16 Q. Okay. It indicates that you were 17 offered, back in April of 2010, a pharmaceutical 18 sales specialist position -- 19 A. Mm-hmm. 20 Q. -- in the specialty 21 pharmaceuticals business. Does that sound 22 accurate? 23 A. It is. 24 Q. Okay. It refers to your salary of</p>

<p style="text-align: right;">Page 42</p> <p>1 [REDACTED] annualized?</p> <p>2 A. Mm-hmm.</p> <p>3 Q. Underneath that first paragraph it</p> <p>4 talks about "variable compensation," and it says</p> <p>5 you that -- it says that you will be eligible to</p> <p>6 participate in the sales incentive compensation</p> <p>7 program, the SICP?</p> <p>8 A. Yes.</p> <p>9 Q. The SCIP, was that the bonus</p> <p>10 program?</p> <p>11 A. As far as I can remember, yes.</p> <p>12 Q. What were your duties and</p> <p>13 responsibilities as a -- well, first, who did</p> <p>14 you report to when you started as a</p> <p>15 pharmaceutical sales specialist?</p> <p>16 A. Kevin Becker, the re -- district</p> <p>17 manager, I think, at the time was his title.</p> <p>18 Q. Were there other sales specialists</p> <p>19 that reported to Kevin?</p> <p>20 A. There was probably a team of ten.</p> <p>21 Q. Okay. What was your -- I know you</p> <p>22 probably mentioned it already, but what was your</p> <p>23 territory when you started?</p> <p>24 A. My territory when I started was --</p>	<p style="text-align: right;">Page 44</p> <p>1 when I was on maternity leave, so I didn't have</p> <p>2 much -- it was a very short period of time.</p> <p>3 Q. What kind of attorney is your</p> <p>4 husband?</p> <p>5 A. A corporate capital markets</p> <p>6 attorney.</p> <p>7 Q. Does he litigate, if you know?</p> <p>8 A. He does not.</p> <p>9 Q. Was this the first time that</p> <p>10 you -- well, when you got to Mallinckrodt, were</p> <p>11 you involved with products that were controlled</p> <p>12 substances?</p> <p>13 A. I was, yes.</p> <p>14 Q. And which of the products that you</p> <p>15 were responsible for were controlled substances?</p> <p>16 A. I was responsible for Exalgo and</p> <p>17 Pennsaid. Exalgo was the Schedule II</p> <p>18 medication.</p> <p>19 Q. That was the only Schedule II</p> <p>20 medication that you were responsible for?</p> <p>21 A. It was.</p> <p>22 Q. What was Pennsaid?</p> <p>23 A. Oh, I'm sorry. And Xartemis.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 43</p> <p>1 and it remained the same throughout my tenure</p> <p>2 there, Cleveland west, which was mostly Lorain</p> <p>3 County, and parts of Cuyahoga County. The</p> <p>4 Lorain County portion would have been Lorain,</p> <p>5 Elyria, Oberlin, Avon, Avon Lake. And Cuyahoga</p> <p>6 County would have been Westlake and a portion of</p> <p>7 Cleveland.</p> <p>8 Q. Did your territories change from</p> <p>9 2010 to 2014?</p> <p>10 A. My territory never changed.</p> <p>11 Q. Did your duties and</p> <p>12 responsibilities, while you were at Mallinckrodt</p> <p>13 from 2010 to 2014, change during that period of</p> <p>14 time or did they remain the same?</p> <p>15 A. They remained the same.</p> <p>16 Q. Okay. And what were your duties</p> <p>17 and responsibilities?</p> <p>18 A. I was responsible for the</p> <p>19 promotion of Pennsaid and Exalgo mostly.</p> <p>20 Q. And when you say "mostly," were</p> <p>21 there other --</p> <p>22 A. Yeah. We had two products,</p> <p>23 Sumavel DosePro and Duexis, that we promoted for</p> <p>24 a very short period of time. Part of it was</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I was only there for a few months</p> <p>2 during Xartemis and then I left and went to a</p> <p>3 different company.</p> <p>4 Q. Okay.</p> <p>5 A. I usually -- I forgot that I</p> <p>6 even -- was even a part of that.</p> <p>7 Q. All right. So Exalgo and XXR were</p> <p>8 the two Schedule IIs?</p> <p>9 A. They were.</p> <p>10 Q. All right. What was Pennsaid?</p> <p>11 A. A topical NSAID for osteoarthritis</p> <p>12 of the knee.</p> <p>13 Q. Would you agree that there is an</p> <p>14 opioid epidemic in this country?</p> <p>15 A. I would agree there is an opioid</p> <p>16 epidemic.</p> <p>17 Q. Would you agree that there has</p> <p>18 been an opioid epidemic for some time in this</p> <p>19 country?</p> <p>20 A. There has, yes.</p> <p>21 Q. How far back would you say that</p> <p>22 there's been an opioid epidemic, in your</p> <p>23 opinion?</p> <p>24 A. I can't really say.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. Okay. Would you say 2000?</p> <p>2 A. Probably 2000 -- probably 2005.</p> <p>3 Q. Are you familiar with the term</p> <p>4 "CSA"?</p> <p>5 A. CS -- I am not familiar with that</p> <p>6 term.</p> <p>7 Q. Are you familiar with the term</p> <p>8 "Controlled Substances Act"?</p> <p>9 A. Not really, no.</p> <p>10 Q. Okay. What -- "not really" leads</p> <p>11 me to believe that maybe --</p> <p>12 A. I may have heard it, but I don't</p> <p>13 know what it is, yeah.</p> <p>14 Q. Okay. Did you receive any</p> <p>15 training at Mallinckrodt regarding the</p> <p>16 Controlled Substances Act?</p> <p>17 A. We received a lot of training at</p> <p>18 Mallinckrodt. I really can't -- it would have</p> <p>19 been during -- the bulk of my training would</p> <p>20 have been in 2010. I'm sure it included the</p> <p>21 CSA. I can't really remember what any of that</p> <p>22 is, though.</p> <p>23 Q. Okay. Why are you sure that your</p> <p>24 training back in 2010 would have included the</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. Did you ever become aware</p> <p>2 while you were at Mallinckrodt that Mallinckrodt</p> <p>3 had a duty to monitor and implement a system to</p> <p>4 identify suspicious orders?</p> <p>5 A. No. I was not part of that. I</p> <p>6 was only the commercial side. We had no part in</p> <p>7 ordering of any type of product.</p> <p>8 Q. So you were not aware of that</p> <p>9 duty?</p> <p>10 A. I was not aware of that duty.</p> <p>11 Q. Were you aware of a duty to</p> <p>12 maintain effective controls against diversion?</p> <p>13 A. I was not. That's not -- that was</p> <p>14 not part of my job responsibilities.</p> <p>15 Q. Was detecting diversion part of</p> <p>16 your job responsibility?</p> <p>17 A. It was not.</p> <p>18 Q. Are you aware there's a case</p> <p>19 pending against pharmaceutical manufacturers and</p> <p>20 distributors involving the opioid crisis?</p> <p>21 A. Just from what my attorneys have</p> <p>22 shared with me. That's all I know.</p> <p>23 Q. Okay. Other than what your</p> <p>24 attorneys provided you, do you have any</p>
<p style="text-align: right;">Page 47</p> <p>1 CSA?</p> <p>2 A. We had a two-week very</p> <p>3 comprehensive training program with PharmDs,</p> <p>4 along with a national sales meeting that was</p> <p>5 very comprehensive. We received a lot of</p> <p>6 training.</p> <p>7 Q. I asked you earlier if you were</p> <p>8 familiar with the Controlled Substances Act and</p> <p>9 you said "not really, no." So again,</p> <p>10 notwithstanding your current answer, what was it</p> <p>11 that leads you to believe -- or what is it that</p> <p>12 leads you to believe that back in 2010 you would</p> <p>13 have received training on the Controlled</p> <p>14 Substances Act?</p> <p>15 A. We received a lot of training, a</p> <p>16 lot of different training. There were a lot of</p> <p>17 things going on. REMS programs, Cares Alliance</p> <p>18 programs. I can't recall specifically CSA, but</p> <p>19 we were -- we were well trained.</p> <p>20 Q. Okay. And so I appreciate your</p> <p>21 response, but, again, do you know whether or not</p> <p>22 you received training on the Controlled</p> <p>23 Substances Act back in 2010?</p> <p>24 A. I can't recall it.</p>	<p style="text-align: right;">Page 49</p> <p>1 knowledge of the existence of the litigation?</p> <p>2 A. I don't, no.</p> <p>3 Q. We talked about the training that</p> <p>4 you received. So there was training when you</p> <p>5 started at Mallinckrodt?</p> <p>6 A. There was.</p> <p>7 Q. And where did that training take</p> <p>8 place?</p> <p>9 A. St. Louis, Missouri.</p> <p>10 Q. And how long was that training?</p> <p>11 A. I believe the first round was two</p> <p>12 weeks, maybe a week. I can't really specify,</p> <p>13 but it was over a week.</p> <p>14 Q. Okay. And how about -- since you</p> <p>15 said "first round," I'm assuming there was a</p> <p>16 second round?</p> <p>17 A. Yeah. We had training throughout,</p> <p>18 which was another week, and then every time we</p> <p>19 got together at national sales meetings, a --</p> <p>20 the bulk of that -- that week would be spent</p> <p>21 reviewing and retraining and updating us on</p> <p>22 different themes in the industry, making sure</p> <p>23 we're staying informed, compliant. Yeah.</p> <p>24 Q. And when you say "themes," what do</p>

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<p>1 you mean by "themes"?</p> <p>2 A. If there had been any changes to, 3 you know -- if there were certain medications 4 that were no longer available, we would be, you 5 know, informed of, you know, why they weren't 6 available or things like that.</p> <p>7 Q. And that would be referred to as a 8 theme?</p> <p>9 A. I mean, not -- they would 10 probably -- I'm just calling it a theme. That's 11 just sort of ...</p> <p>12 Q. The first week training that you 13 received, was it classroom-type training?</p> <p>14 A. It was.</p> <p>15 Q. Did you receive materials from 16 Mallinckrodt?</p> <p>17 A. A binder, I believe, yes.</p> <p>18 Q. Do you know who performed the 19 training?</p> <p>20 A. The training department.</p> <p>21 Q. Okay. Were there other 22 pharmaceutical sales specialists in that 23 training?</p> <p>24 A. There were.</p>	<p>1 Q. Did your position ever change 2 from -- I understand your duties and 3 responsibilities were constant, but did your 4 position change from that initial position?</p> <p>5 A. I think I was given like a 6 different title. I went from like sales 7 representative to sales specialist, something 8 like that, over a period of time, but my duties 9 and responsibilities never changed.</p> <p>10 - - -</p> <p>11 (Mallinckrodt-Cox Exhibit 4 marked.)</p> <p>12 - - -</p> <p>13 Q. Let me show you Exhibit Number 4, 14 which is Bates range 8506, 8507.</p> <p>15 It mentions -- this letter -- are 16 you familiar with this letter, March 24, 2014?</p> <p>17 A. Yeah, I'm -- sure.</p> <p>18 Q. All right. Do you know who Tamara 19 Jordan is?</p> <p>20 A. I don't.</p> <p>21 Q. Okay. Field sales specialist, 22 would that have been your second title at 23 Mallinckrodt?</p> <p>24 A. I believe so, yes.</p>
<p>Page 51</p> <p>1 Q. Were there other employees other 2 than pharmaceutical sales, or was this just for 3 pharmaceutical sales?</p> <p>4 A. It was just for the sales team, 5 new sales members.</p> <p>6 Q. Future training that you 7 mentioned, additional training after that first 8 week, was there any training that would be done 9 on a computer or a Mallinckrodt portal, like a 10 website where you'd sign in?</p> <p>11 A. There were. There were 12 different -- there were lots of different 13 opportunities to engage us in training. I do 14 believe there was a portal. I can't recall the 15 specifics of it, but there were opportunities 16 to, you know, gain our commitment to staying on 17 label, refreshing our memory, just making sure 18 that we're staying compliant with what was on 19 label for both products.</p> <p>20 Q. Do you own any Mallinckrodt stock?</p> <p>21 A. I do not.</p> <p>22 Q. Does your husband own any 23 Mallinckrodt stock?</p> <p>24 A. He does not.</p>	<p>Page 53</p> <p>1 Q. Again, duties and responsibilities 2 are the same?</p> <p>3 A. Correct.</p> <p>4 Q. You were reporting to Kevin Becker 5 before. Are you still reporting to Kevin Becker 6 at this point?</p> <p>7 A. I am.</p> <p>8 Q. Who's Tim Dress?</p> <p>9 A. Tim Dress is -- he was a colleague 10 of mine and he was the district manager. I 11 would have reported to him for a short period of 12 time before I left Mallinckrodt.</p> <p>13 Q. Okay. Currently it's still Kevin 14 Becker, though?</p> <p>15 A. At my new company, it's Kevin 16 Becker, yes. Currently, yeah, my current 17 company.</p> <p>18 Q. Okay. So the company that you're 19 at now, the new company, Kevin Becker is your --</p> <p>20 A. Yes.</p> <p>21 Q. Okay. But while you were a field 22 sales specialist, it was also Kevin Becker?</p> <p>23 A. It was.</p> <p>24 Q. Okay. And here it talks about</p>